

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 03-0227 -WS
)	
KIMBERLEY G. BOSARGE,)	CIVIL NO. 05-0440-WS-D
)	
Defendant.)	

ORDER

On July 25, 2005, petitioner Kimberley G. Bosarge filed a Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (doc. 68), pursuant to 28 U.S.C. § 2255. Upon preliminary review of this § 2255 Motion, the Court observed that petitioner's sole asserted ground for relief was ineffective assistance of counsel. In articulating this claim, however, petitioner merely offered conclusory assertions that her lawyer "didn't do her job," "did not try to help" petitioner, "did not object to anything" and "did not call anyone to the stand." (Motion, at 4.) These general allegations fall well short of the threshold showing that a § 2255 petitioner must make in order to satisfy the deficient performance and prejudice prongs of the requisite legal standard for an ineffective assistance of counsel claim.

In view of this pronounced deficiency in the § 2255 Motion, the Court entered an Order (doc. 69) on July 27, 2005, ordering Bosarge to file an amended petition on or before August 29, 2005. Petitioner was instructed that the amended petition must include "specific allegations sufficient to satisfy her burden of proof." (July 27 Order, at 2.) She was also cautioned that failure to submit an amended petition in the designated time frame "will result in dismissal of this Motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings on the ground that it plainly appears from the motion that the movant is not entitled to relief." (*Id.*)

To date, petitioner has not responded to the July 27 Order in any manner. Given that her § 2255 Motion, as presently constituted, is meritless on its face, and given petitioner's failure to correct

these defects in a reasonably timely manner after they were brought to her attention, the Court hereby **dismisses** petitioner's § 2255 Motion **without prejudice** pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings. A separate judgment will enter.

DONE and **ORDERED** this 20th day of October, 2005.

s/ WILLIAM H. STEELE

UNITED STATES DISTRICT JUDGE